

BLUE MOUNTAIN TRANSLATOR DISTRICT
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Jan. 2, 1996

To the Secretary
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Re: MM Docket No. 87-268

Digital TV
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Dear Sir:

I am Harlow Speckhart, Technical Director for the Blue Mtn. Translator District of La Grande, Ore. who became involved in Translator TV in 1955 when Translator TV stations were authorized by the FCC to provide TV broadcast services to Rural communities who lived beyond the coverage of our Metropolitan TV Broadcast stations. I have participated in the National Translator Assn. since its inception in 1960 and I'm in my second term of serving as a Director of that Assn.

We received a copy of Docket No. 87-268 this week. We have no problem with the technical concept in this Docket as it greatly improves the efficient use of the spectrum. It will also greatly improve the quality of picture and sound for our viewers. We must be included in the use of a block of the spectrum for use of our Translator TV repeater stations in the hinterlands of our metropolitan areas. You mention in this docket the legal requirement that the Public Interest must be served. Also you mention the question as to whether commercial broadcast stations should be allowed to broadcast both Pay TV and advertising supported TV. It is very important that program quality be maintained between all segments of our population.

From a technical point of view, our translators designed for analog broadcast will not work and will have to be recapitalized for the Digital technology. Under our present circumstances, we will be unable to replace our analog equipment with digital equipment. As a result the Public Interest cannot be served but a segment of the population will be deprived of access to Free over the air television. We are forced to that conclusion by the action that allowed Cable Companies to an exemption from sharing cost when they use not-for-profit community owned translator services.

To review briefly the way Cable interest have undercut our attempts to serve the Public Interest, please note the following:

In the fall of 1955 the FCC held a demonstration of how UHF Translators could provide TV Broadcast services to unserved rural communities near Quincy, Washington which was engineered by Mr. George Frese PE licensed by the FCC. He and several neighbors attended that demonstration and were impressed. We hired George Frese to prepare application for a Construction Permit for a station to rebroadcast KHQ-TV of Spokane, Wa. to be located on Mt. Harris near La Grande, Or. that was filed soon after.

Our application to the FCC was contested by our local Cable Company. Mr. George

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W. Shoemaker of Spokane, Wa. who had previously served on the FCC legal staff in Washington, D. C. represented us in that contest. He filed comments with the FCC pointing out that our application for a construction permit was in accordance with the Communications Act of 1934 that would provide broadcast services to the Public Interest of the rural and urban homes we were applying for in our application. He also pointed out that closed circuit wired TV and encrypted broadcast services did not comply with the intent of the Communications Act of 1934 that provided broadcast service to the Public Interest. George won our case and the following year our first Translator station was placed in operation and our FCC licenses granted.

We have worked closely with our mother stations and consult with them when problems occur. Volunteer financing has always been a problem. Mr. Jay Wright, Pres. of Engineering for King Broadcasting Co., of Seattle, Wash. advised us to get State enabling legislation for Oregon to fund our translator TV stations via County Tax Districts similar to the plan other mountain States were using.

In 1977 the Oregon Cable TV Assn. vehemently opposed our attempt to establish Oregon Translator statutes that would be funded by a User Fee on benefitted properties and the bill died in Committee. We introduced a comparable bill in Legislature in 1979 and the NCTA sent their lobbyist from New York City to defeat our bill. BMTV lobbyist Steve Donnell of La Grande, Or. with 40 years of lobbying experience before Michigan, California, and Oregon Legislatures on various issues, beat the NCTA Cable interest before our Oregon Legislative Committee on the issue that Translator TV served the Public Interest which cable does not provide service to. The Public Interest issue resulted in our successfully passing Oregon legislation enabling a User Fee on benefitted properties for the support of our Oregon Translator TV stations which stands to this day.

The following year the Cable interest started cabling small towns within the coverage areas of our not-for-profit Community owned Translators in Oregon. By 1982 in Union and Baker Counties we lost four small Cities to Cable TV franchises with a loss of about \$40,000 in annual revenue. The towns that had granted cable franchises took their FCC exemptions and continued to use District services without sharing cost. Premier Cable agreed a year ago to voluntarily contribute \$1100 a year for their four small cities if we would maintain picture quality. This is a token fee which is meaningless when you must realize the true cost of operating mountain top stations over snow nine months of the year.

Early in 1977 American Television and Communications Corp. (Cablevision) filed application with the FCC to carry our K68AH translator station rebroadcasting KTVB of Boise on their Cables in Union and Baker Counties. We requested that the FCC deny their application until an agreement could be arrived at whereby they would pay their fair share of the cost of services we would be providing them. We pointed out that we were a not-for-profit Assn. dependent on volunteer contributions and in no shape to provide a quality reliable service without adequate funding. On April 26, 1977 the FCC denied our request for sharing cost for use of our services based on prior contest over sharing cost between Commercial for-profit TV stations and cables. This action set a precedent for cable exemption for all not-for-profit community owned Translator TV stations nationwide. Today Cablevision carry our Translators on their cables without sharing cost. Local attorneys claim that under Common Law a for-profit entity

cannot use the services of not-for-profit tax supported entities unless they share cost on a not-for-profit cost share basis.

To review the economic situation of rural Oregon in the hinterlands of our Metropolitan areas, Cable TV has taken over most of the small towns leaving only the sparsely populated ranch and farm familys to financially support their not-for-profit locally owned Translator TV stations that provides service to the Public Interest including our Cities.

In Union and Baker Counties, Oregon there are about 13,000 homes in Baker, Grande Ronde Valley, and Elgin including the urban and rural homes. In 1979 when we organized our Blue Mtn. Translator District we had about 2500 homes financially supporting our District. We are now down to about 1200 homes to finance our District due to the takeover by Cable TV in and near our towns in Union and Baker Counties. Under these circumstances, recapitalization is impossible. The only reason we are still in business is that when our system was built we had the financial support of these towns which are now cabled. We estimate that to meet our cost would require a fee of about fifteen cents per home per channel per month taking into account the overall number of homes including our cities involved for our Mountain top stations that serve us.

How do we recapitalize Translator TV for our rural homes and public interest including our Cities for the Digital age for the hinterlands of Oregon!!!!

The only solution we see to the problem is to get back to the basics of Common law our Communications Act of 1934 was based on where by all share the cost of serving the Public Interest including those on the cables. The State of Nevada was successful in passing this concept before the National Cable TV Assn. was organized. The State of Nevada is one of the most sparsely populated States in the Union and has the most successful broadcast concept of any State. Their cost per home is very economical and they have top quality equipment and services.

Why not recognize the problem in the FCC rules so all can benefit and preserve the intent of the Communications Act of 1934?

Sincerely,


Harlow A. Speckhart, Technical Director